

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

SOVERAIN SOFTWARE LLC,

Plaintiff,

v.

CDW CORPORATION, NEWEGG INC.,  
REDCATS USA, INC., SYSTEMAX, INC.,  
ZAPPOS.COM, INC., TIGER DIRECT,  
INC., THE SPORTSMAN'S GUIDE, INC.,  
and REDCATS USA LP,

Defendants.

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Civil Action No. 6:07-CV-511

Hon. Leonard E. Davis

**NEWEGG'S UNOPPOSED MOTION FOR LEAVE TO  
SUPPLEMENT ITS INVALIDITY CONTENTIONS**

Pursuant to P.R.3-6(b), Defendant Newegg Inc. ("Newegg") respectfully requests leave to supplement its invalidity contentions.

**I.**

On about July 21, 2008, the Defendants then involved in this action filed "Defendants CDW Corporation, Newegg, Inc. and Zappos.com's Invalidity Contentions." On about April 30, 2009, Defendant Newegg served "Newegg Inc.'s Supplemental Invalidity Contentions" narrowing the issues relating to prior art to the claims charged to be infringed.

On July 31, 2009, Plaintiff filed "Soverain's Unopposed Motion for Leave to Amend/Supplement Its Infringement Contentions." In particular, claims 78 and 79 of U.S. Patent No. 7,272,639 were placed at issue. That Motion was granted on August 3, 2009.

"Newegg Inc.'s Second Supplemental Invalidity Contentions" are directed, for the most part, to the claims newly placed at issue.

**II.**

Additionally, to provide all of Defendant Newegg Inc.'s invalidity contentions in one document and to narrow the issues, a subset of the invalidity contentions based upon the requirements of 35 U.S.C. § 112 taken from "Defendants CDW Corporation, Newegg, Inc. and Zappos.com's Invalidity Contentions" filed on about August 20, 2008 has been appended. Thus, this document contains a complete statement of Defendant Newegg Inc.'s invalidity contentions. As noted in the caption, this motion is unopposed.

Wherefore, Defendant, Newegg, Inc., respectfully prays that the Court grant it leave to supplement its invalidity contentions and serve said Second Supplemental Invalidity Contentions on the Plaintiff.

Dated: August 26, 2009

/s/ David C. Hanson w/ permission  
by Trey Yarbrough

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on August 26, 2009. All other counsel of record will be served via facsimile or first class mail.

/s/ Trey Yarbrough  
Trey Yarbrough